



**CITY COUNCIL
STADIUM AUTHORITY
SPORTS AND OPEN SPACE AUTHORITY
HOUSING AUTHORITY**

October 10, 2017

**5:00 PM JOINT CITY COUNCIL/YOUTH
COMMISSION MEETING
6:00 PM CLOSED SESSION
7:00 PM REGULAR MEETING
City Hall Council Chambers**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive \$30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA); Bayshore North Project Enhancement Authority (BNPEA)

A complete agenda packet is available on the City's website and in the City Clerk's Office beginning the Thursday evening before the Tuesday meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov, or at the public information desk at any City of Santa Clara public library.

1. 5:00 PM JOINT CITY COUNCIL/YOUTH COMMISSION MEETING:

A. Confirmation of Quorum. CC

2. MONTHLY INFORMATIONAL JOINT CITY COUNCIL/YOUTH COMMISSION DINNER MEETING:

A. The Youth Commission will provide the City Council with an update on current activities and potential future projects. CC

3. 6:00 PM CLOSED SESSION CALL TO ORDER:

A. Confirmation of Quorum.

4. ANNOUNCEMENT OF CLOSED SESSION:

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| A. | Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City representative: Deanna J. Santana, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of Santa Clara Professional Engineers; Units #5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit #9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association). | CC |
| B. | Conference with Legal Counsel- Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2) - Exposure to litigation, Number of potential cases: 1. | CC |
| C. | Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2) - Exposure to litigation, Number of potential cases: 1 (FACTS AND CIRCUMSTANCES); City as potential defendant: Letter from SSL Law Firm LLP dated April 25, 2017 re: Lease between Morse-Fremont-08, LLC and ETA Lambda Facilities Corporation of Kappa Alpha Theta ("Tenant") for 981 Fremont Street, Santa Clara (the "Premise"). | CC |
| D. | Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1) <i>Harmon v. City of Santa Clara, et al.</i> , United States District Court, Northern District of California Case No. 5:16-cv-04228 EJD. | CC |
| E. | Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1) <i>City of San Jose v. City of Santa Clara</i> , San Mateo County Superior Court Case No. 16-CIV-02303. | CC |
| F. | Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1) <i>City of Santa Clara v. City of San Jose</i> , San Mateo County Superior Court Case No. 17-CIV-00547. | CC |

5. PUBLIC COMMENT REGARDING CLOSED SESSION:

6. RECESS TO CLOSED SESSION (Council Conference Room):

7. 7:00 PM REGULAR MEETING CALL TO ORDER:

8. PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES:

9. ROLL CALL:

10. APPROVAL OF MINUTES:

A. September 12, 2017.

CC SA SOSA HA

11. CONTINUANCE/EXCEPTIONS:

12. SPECIAL ORDER OF BUSINESS:

A. Recognition of Community and Corporate Partners of the Santa Clara City Library Foundation and Friends.

CC

B. Presentation by Silicon Valley Leadership Group announcing the Silicon Valley Turkey Trot to be held on Thanksgiving Day, November 23, 2017.

CC

13. CONSENT CALENDAR:

[Items listed on the CONSENT CALENDAR are considered routine and will be adopted by one motion. There will be no separate discussion of the items on the CONSENT CALENDAR unless discussion is requested by a member of the Council, staff, or public. If so requested, that item will be removed from the CONSENT CALENDAR and considered under CONSENT ITEMS PULLED FOR DISCUSSION.]

A. Departmental Reports

1. Acceptance of and approval to appropriate a donation from Ray Russo, Jr. in the amount of \$1,898.95 to support the Police Department's Specialized Enforcement Team to purchase a vehicle tracker and nest cam.

CC

2. Approval to set the salary of Lateral Police Officer candidate Maximilian Nielepko at Step 5, Salary Grade B-31 and Records Specialist II candidate Sylvia Avalos at Step 2, Salary Grade H-22.

CC

3. Acceptance of the resignation of Jan-Yu Weng from the Planning Commission effective September 22, 2017; and declaration of a vacancy for the partial term ending June 30, 2020; and set October 24, 2017 as a Special Order of Business for the promotion of the vacancy, October 31, 2017 at 5:00 pm as the deadline for the receipt of applications and November 7, 2017 during the Council meeting as the interview date and time.

CC

4. Approval of the use of City Electric forces for the installation of facilities at 4945 Stevens Creek Boulevard and 100 North Winchester Boulevard.

CC

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| 5. | Adoption of a Resolution approving an application for the County of Santa Clara All-Inclusive Playground Grant for an amount up to \$500,000 for the Central Park Arbor Playground; and authorization for the City Manager and/or designee to execute all documents necessary for the grant application and administration. | CC |
| 6. | Pass to print an Ordinance amending Section 1.05.060 ("Severability of Parts of Code") of Chapter 1.05 ("General Provisions") of Title 1 ("General Provisions") of "The Code of the City of Santa Clara, California." | CC |
| 7. | Adoption of a Resolution authorizing the City Attorney to execute Legal Services agreements. | CC |

B. Agreements

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| 1. | Approval of the Electric Service Agreement with Nvidia Corporation for the purchase of electricity on a long-term basis in exchange for certain discounted rates. | CC |
| 2. | Approval of the Software Maintenance Agreement with ABB Inc., in an amount not to exceed \$154,439.93 for the first year of the agreement, and a three year total not-to-exceed amount of \$476,364 to provide continued maintenance and support for Silicon Valley Power's Electric Supervisory Control and Data Acquisition (SCADA) System. | CC |
| 3. | Approval of the Agreement for the Performance of Services with Caltrol Inc., in an amount not-to-exceed \$52,260 for the first year, with a total not-to-exceed of \$180,477.65 over the three-year term to provide Process Automation Support for the City's generation facilities. | CC |
| 4. | Approval of Amendment No. 2 to Call No. 15-3 for Professional Services with Schweitzer Engineering Laboratories, Inc., in an amount not-to-exceed of \$178,924, for a revised not-to-exceed amount of \$743,129 to commission and prepare documentation on the PQ and Phase Shifting Transformer (PST) controllers. | CC |
| 5. | Authorization to negotiate and execute a License Agreement with Westfield Valley Fair for the temporary use of 1834 Worthington Circle/90 North Winchester Boulevard for off-site Valley Fair parking subject to review by the City Attorney for consistency with the terms proposed and the Special Permit. | CC HA |
| 6. | Approval of a Master Services and Purchasing Agreement with Hexagon Safety & Infrastructure to provide a Computer Aided Dispatch and Records Management System for an amount not-to-exceed \$2,670,957. | CC |

C. Bills and Claims/Progress Payments

1. Approval of Bills and Claims and Progress Payments. **CC SA SOSA HA**

D. Reports for Information and Possible Action

E. Minutes to Note and File

1. Planning Commission - August 9, 2017. **CC**
2. Housing Rehabilitation Loan Committee - August 10, 2017. **CC**
3. Youth Commission - August 29, 2017. **CC**

F. Routine Written Petitions for Approval

1. V.F. Mall LLC, Westfield - 1834 Worthington Circle: **CC**
Request for a Special Permit to allow temporary parking
for two years at 1834 Worthington Circle [former Bay
Area Research and Extension Center (BAREC) site 90
N. Winchester Boulevard] Staff recommendation:
Approval, subject to conditions (PLN2017-12853).

14. PUBLIC PRESENTATIONS:

[This item is reserved for persons to address the Council/Stadium Authority/Sports and Open Space Authority/Housing Authority on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on speaker cards available in the Council Chambers.]

15. CONSENT ITEMS PULLED FOR DISCUSSION:

16. UNFINISHED BUSINESS:

[Possible Reconsideration of Actions Taken at Immediately Preceding Meeting. (See Summary of Actions for potential reconsideration, which is in the Agenda Packet Binder in the Council Chambers.)]

17. ITEMS SET FOR HEARING:

[Planning Commission items not being appealed, or which are not related to an appeal, will be heard under REPORTS FOR ACTION.] If you challenge a City Council land use decision in court, you may be limited to raising only those issues you or someone else raised at this hearing before the City Council or in written correspondence delivered to the City at, or prior to, the City Council hearing on the matter. (California Government Code Section 65009)

- A.** 725 Los Padres Boulevard: Adoption of a Resolution denying the appeal and upholding the Planning Commission's denial of the Minor Modification to allow a reduction of the minimum side setback requirement for an existing accessory building from three feet to two and a half feet (PLN2017-12602). **CC**

18. REPORTS FOR ACTION:

- A. Pass to print an Ordinance amending Section 18.104.060 ("Application to Existing Businesses") of Chapter 18.104 ("Massage Establishments") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" which extends the amortization period for existing massage establishments by one year to December 31, 2018. **CC**

19. BIDS AND PROPOSALS:

- A. Award the Public Works Contract for the Mission Branch Library Remodel Project to the lowest responsive and responsible bidder, Gonsalves & Stronck Construction Company, Inc., in the amount of \$3,843,000; approval of appropriations in the amount of \$1,547,300 from Capital Projects Reserve; and authorization to execute change orders up to 10% of the original contract price, or \$384,300 for a total not-to-exceed amount of \$4,227,300. **CC**

20. BOARD AND COMMISSIONS FOR ACTION:

- A. Board of Library Trustees - Minutes of September 18, 2017: Request to note and file. **CC**
* Recommendation to award the Mission Branch Library Remodel project to the lowest responsive bidder and that Council appropriate the funds to cover the base bid and bid alternates taking into account the original capital budget for the project was established three years ago.

21. REPORTS OF MEMBERS AND SPECIAL COMMITTEES (CC SA SOSA HA):

- A. Reports regarding conference attendance, if any.

22. CITY MANAGER/EXECUTIVE DIRECTOR REPORTS:

23. REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS:

24. ADJOURNMENT:

- A. The next regular scheduled meeting is on Tuesday evening, **October 24, 2017**, in the City Hall Council Chambers. **CC**